UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7051

UNITED STATES OF AMERICA,

          Plaintiff - Appellee,

    v.

WILLIAM THOMAS DAVIS, a/k/a Burglar,

          Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. Frederick P. Stamp, Jr., Senior District Judge. (5:08-cr-00021-FPS-JSK-1; 5:13-cv-00116-FPS-JSK)

Submitted: December 28, 2015   Decided: December 30, 2015

Before WYNN and DIAZ, Circuit Judges, and DAVIS, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

William Thomas Davis, Appellant Pro Se. David J. Perri, Assistant United States Attorney, Wheeling, West Virginia, for Appellee.

PER CURIAM:

William Thomas Davis seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying his 28 U.S.C. § 2255 (2012) motion. Among other things, Davis claimed that it was constitutional error to apply the residual clause of the Armed Career Criminal Act (ACCA) to enhance his sentence and that the residual clause of the ACCA was unconstitutionally vague. After the district court denied Davis' § 2255 motion, the Supreme Court decided Johnson v. United States, 135 S. Ct. 2551 (2015), holding that the residual clause of the ACCA is unconstitutionally vague.

We previously ordered further briefing from the parties pursuant to 4th Cir. R. 22(a)(4). Based on these briefs and our independent review of the record, we grant Davis a certificate of appealability on the issue of whether the district court erred in denying the above-referenced claims, and we remand for reconsideration of Davis' § 2255 motion in light of Johnson.

Accordingly, we vacate the district court's order and remand for further proceedings consistent with this opinion. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

VACATED AND REMANDED